REMARKS

Applicant respectfully requests consideration of the above-identified patent application in view of the amendments above and the remarks below.

Claims 1-15 and 17-21 are pending in the application and are rejected. Claims 1, 2, 12, and 15 are amended herein.

Applicant thanks the Examiner for the courtesy extended to the undersigned during a telephone interview conducted on November 15, 2006. During the interview, the Examiner's concerns with regard to the potential broad construction of the claim terms "backup and restore systems" and "library" were discussed. The subject matter of claims 1, 2 and other claims were also discussed in view of the Hanes and Rodriguez references used to reject the claims. Various potential claim amendments were discussed to overcome the rejections. While no agreement was reached, it is believed that helpful exchanges were made leading to substantial progress in advancing the case.

The Prior Art Rejections

The Examiner rejects Claims 1-15 and 17-20 under 35 U.S.C. §103(a) over U.S. Patent No. 6,466,952 to Hanes et al. in view of U.S. Patent No. 6,427,149 to Rodriguez.

Applicant amends claim 1 to clarify the claim terms "library" and "backup and restore system" and to clarify certain features of the invention. Support for these amendments is found throughout Applicant's specification. More particularly, amended claim 1 requires:

A method of restoring backed up data, comprising:

retrieving, by *a data backup storage system*, a list of objects that are restorable by a *client* having *a backup/restore module* and *a logical volume manager* to communicate with *a storage system*, the *backup storage system* having *a storage system interface* to communicate with the storage system, *a backup storage unit* to store backed up data, and *a network interface* to communicate with the client;

displaying the list of restorable objects for browsing by a user, wherein the restorable objects are located on a plurality of physical storage devices;

generating a first list of restorable objects marked for restoration by the user, wherein each of the restorable objects is associated with a particular library, wherein the library supports at least one catalog containing information for the backed up data including media type and metadata;

submitting the first list of marked restorable objects to the *backup storage system* for restoration for the *client*;

submitting a second list of marked restorable objects to the backup storage system;

executing, by the *backup storage system*, a restoration of the submitted first and second lists of marked restorable objects via a remote procedure call such that first and second restore submissions can be made prior to restore execution.

As discussed during the interview, claim 1 is amended to clarify interaction between various components. Claim features corresponding to the exemplary backup and restore system of FIG. 3 are italicized for the Examiner's convenience. Claim 1 is further amended to clarify that the "library supports at least one catalog containing information for the backed up data including media type and metadata." Amended claim 1 also explicitly requires submitting first and second lists of marked restorable objects to the backup storage system. And amended claim 1 clarifies that the executing of the submitted "first and second lists of marked restorable objects via a remote procedure call such that first and second restore submissions can be made prior to restore execution."

In contrast, Hanes discloses transferring data from old media to new media. For example, Hanes teaches migrating data from a floppy disc to a CD-RW disc. While Hanes teaches that the user can select source files for migration to the destination media, Hanes does not teach or suggest that restorable objects are associated with a particular library, wherein the library supports at least one catalog containing information for the backed up data including media type and metadata, as claimed. Nor does Hanes teach anything remotely close to a catalog.

Further, Hanes does not teach or suggest that restorable objects can be "located on a plurality of physical storage devices." Rather, Hanes teaches a simple PC system in which files from a source media hard disk are transferred to destination media.

Hanes also fails to teach or suggest "restoration of the submitted first and second lists of marked restorable objects... such that the first and second restore submissions can be made prior to restore execution." While Hanes does discloses enabling a user to select a first group of files for transfer to a first destination location and to select a second group of files for transfer to a second destination location, Hanes does not teach or suggest independent first and second list submissions that can be made prior to execution, as provided by amended claim 1. The arrangement of claim 1 enables any number of list submissions independent of execution. In Hanes, a user selects files for transfer and must then execute the transfer prior to selecting files for another transfer.

Applicant submits that Rodriguez fails to overcome any of the deficiencies of Hanes set forth above.

Rodriguez merely teaches a technique to enable an Internet user to utilize a browser application to see and select files in a ZIP archive file by providing hyper text links in an HTML document. Rodriguez avoids the need for a user to download the entire ZIP archive file. Applicant submits that the trivial archive file recovery technique taught by Rodriquez is quite irrelevant to backing up huge amounts of data contained in submit objects, which can include databases, and restoring the backed up data using a data backup system, such as the one shown and described in Applicant's specification.

Accordingly, Applicant submits that claim 1 is patentably distinguishable over Hanes and Rodriquez, taken alone or in combination. For at least substantially the same reasons, Applicant submits that claims 2-15 and 17-20 are also distinguishable over the cited references.

Notwithstanding the above, Applicant submits that certain dependent claims are patentably distinguishable over the cited art for additional reasons.

The Examiner is respectfully invited to telephone the undersigning attorney if there are any questions regarding this Amendment or this application.

Applicant does not acquiesce to any assertion made by the Examiner that is not specifically addressed herein.

The Assistant Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 500845.

Respectfully submitted,

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